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35. A kit for replacing a damaged ligament in a patient comprising a sterile packaged prepared non-autologous replacement ligament said ligament having pre-attached sutures to form a graft unit for aiding in insertion into a patient, and a graft fixation device, said graft unit comprising attached sutures.

REMARKS

Claims 1-6, 35, 36, 38, and 39, are pending in the application. Claims 7-15, and 37, have been cancelled without prejudice or disclaimer. No new matter has been added.

I. At page 3 of the Office Action, the Examiner requires affirmation of the election made by telephone on 4/4/02.

The election of Species IV, claims 1-6, 35, 36, 38 and 39, without traverse, is hereby affirmed.

II. At page 4 of the Office Action, claims 1-6, 35, 36, 38, and 39, have been rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner states that it is not clear as to whether the sutures are "attached sutures" or "pre-attached sutures" prior to implantation or prior to preservation and sterilization inserted into a package or a kit.. In view of the amendment to the claims, this rejection is respectfully traversed.

Claim 1 has been amended to clarify that the sutures are attached to the graft prior to preservation and packaging. Claims 2-6 are dependent on claim 1. Claim 35 has been amended to recite that the replacement ligament comprises sutures attached to the replacement ligament. Claims 36, 38, and 39, are dependent on claim 35. Support for these amendments appear throughout the specification and claims as originally filed. In view of the amendments to the claims, it is submitted that claims 1-6, 35, 36, 38, and 39, are clear and definite within the meaning of 35 USC §112. Accordingly, the Examiner is respectfully requested to withdraw this rejection.